

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>PATRICIA ELIZABETH SMEAL,</b>	:	
<b>Executrix of the Estate of GORDON CARL</b>	:	
<b>SMEAL, SR., Individually and in her own right,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	<b>NO. 19-5853</b>
<b>CLARK EQUIPMENT COMPANY, et al.</b>	:	
	:	
<b>Defendant.</b>	:	

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of April, 2022, upon consideration of **(a)** Defendant Clark Equipment Company's Motion for Summary Judgment (Doc. No. 25), Plaintiff's Response (Doc. No. 28), and Clark Equipment Company's Reply (Doc. No. 29); and **(b)** Defendant NACCO Material Handling Group's Motion for Summary Judgment (Doc. No. 26), Plaintiff's Response (Doc. No. 27), and NACCO Material Handling Group's Reply (Doc. No. 30), it is hereby **ORDERED** that both Motions are **DENIED**.

A trial scheduling conference is set for **Tuesday, May 24, 2022 at 2:00 p.m.** The conference shall be held by telephone. Counsel are directed to dial in as follows: (1) Call: 888-684-8852; (2) Enter access code: 2187450#; (3) Press # to enter as a participant.

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
**MITCHELL S. GOLDBERG, J.**